



Contractor Compliance Accomplishments for FFY 2016 and Program Goals for FFY 2017

2016

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**Contractor Compliance Program Accomplishments for
Federal Fiscal Year 2016
October 1, 2015 – September 30, 2016**

PROGRAM OVERVIEW

As a recipient of federal funds and the contracting agency to prime and sub-contractors, vendors and suppliers, the Maryland State Highway Administration (SHA) is primarily responsible for monitoring its federal-aid prime and sub-contractors, vendors and suppliers to ensure that they do not discriminate in employment and contracting practices based on race, color, national origin, sex, age, English proficiency, income-level or disability. The goal of SHA's Contractor Compliance Program is to administer a comprehensive program for the purpose of enforcing equal opportunity and equal employment opportunities on all federal-aid highway construction projects.

PROGRAM CHALLENGES

SHA's Office of Equal Opportunity (OE) has experienced staffing changes that have impacted the Contractor Compliance Program during FFY 2016. During most majority of FFY2016, the Deputy Director for OEO was relocated within SHA and the position is still vacant. Early in FFY 2016, the District 3 Equal Opportunity Officer resigned and the position is still vacant.

When analyzing SHA's projects during FFY 2016 it was noted that District 3 is considered one of the largest and most active districts in the State consisting of Prince Georges and Montgomery counties, District 3 needs permanent and full time coverage. District 3 oversight and responsibility has been shared between HQ staff for FFY 2016, which has delayed progress due to ongoing training and alternating staff coverage.

The District 1 position still remains vacant as a result of the Voluntary Separation Program (VSP) that was offered to state staff during FFY 2015. District 1 oversight has been delegated to the District 2 Equal Opportunity Officer. While managing both districts has helped in providing good customer service to the District 1 staff and the citizens in that area, each district should have an equal opportunity representative to function effectively.

Despite the program challenges that existed during FFY 2016, OEO has continued monitoring SHA's federal-aid prime and sub-contractors, vendors and suppliers to ensure that they do not discriminate in employment and contracting practices based on race, color, national origin, sex, age, English proficiency, income-level or disability.

PROGRAM ACCOMPLISHMENTS

TRAINING

The Office of Equal Opportunity attended the following training conferences:

- This year, the Director of OEO and the Title VI Manager attended The Association of State Highway and Transportation Offices (AASHTO) Civil Rights Conference in Alexandria, Virginia.
- FHWA offers webinars regularly to funding recipients.

CONTRACTOR COMPLIANCE REVIEWS

For FFY 2016, all active contracts were inventoried to identify those Prime Contractors who met a specific criteria for Contractor Compliance Reviews (CCR). Criteria was established in a “Contractor Compliance Review Criteria” form requesting information from the District Equal Opportunity Officers (DEOO) such as project size, contract duration, contract location and status of the contract. This criteria was taken into consideration when selecting contractors for review. In addition, SHA has provided guidance to their largest subrecipient, Baltimore City Department of Transportation, with the compilation of their Contractor Compliance Reviews. Baltimore City Department of Transportation conducted three CCRs in FFY16 and submitted them on time.

Based on the contract location and contract criteria, contractor compliance reviews were conducted by SHA staff and Baltimore City Department of Transportation. For FFY 2016, the final number of Contractor Compliance Reviews submitted to FHWA is 11.

Below is a summary of the compliance reviews and findings:

| Contract Number | District | Prime/Sub-Contractor | Location | SHA Findings |
|-----------------|----------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------|
| WO2235180 | 1 | Joseph B. Fay | Bridge rehabilitation on dual steel bridges number 2301601 and 2301602 on US13 (Ocean Highway) over Pocomoke River in Worcester County | In Compliance |
| XX1615133 | 1 | Image Asphalt | ADA sidewalk improvements area wide in District 1. | In Compliance |
| TA3925171 | 2 | McLean Contracting | Steel and pre-stressed concrete girder bridge number 2003400 on MD 331 (Dover Road) over Choptank River in Talbot County. | In Compliance |
| XX5325133 | 3 | D&F Construction | ADA Sidewalk Improvements Area wide in District 3. | In Compliance |

| | | | | |
|-----------|---------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| BA8965180 | 4 | Allan Myers (formally known as American Infrastructure) | Superstructure replacement steel girder bridge number 0328100 on MD 695 ramp over NE Creek in Baltimore County. | In Compliance |
| BA9785226 | 4 | Milani Construction | Noise barrier on MD 295, Baltimore Highlands and Riverview communities in Baltimore County. | In Compliance |
| HA3485370 | 4 | A-Del Construction | Capacity improvements on MD 22 and MD 462 in Harford County. | In Compliance |
| AL4595180 | 6 | East Coast Bridge | Bridge deck replacement and rehabilitation for bridge number 1098 on MD 956 (Patriot Parkway) over North Branch and Potomac River in Allegany County. | In Compliance |
| XY4065177 | 7 | CJ Miller | Mill, grind, patch and resurface roadway pavements at various locations in Carroll County. | In Compliance |
| XY1515185 | Hanover | Bruce & Merrilees | Traffic signal modification, installation and reconstruction APS/CPS area wide in Districts 3, 4, and 5. | In Compliance |
| XY1455185 | Hanover | Rommel Engineering | Modify, install, and reconstruction of APS traffic signals area wide in District 3. | VCAP Issued |
| TR12314 | BCDOT | M. Luis Construction | Roland Avenue and Northern Parkway Improvements and Traffic Calming | In Compliance |
| TR14310 | BCDOT | Machado Construction | Haven Street Resurfacing/Rehabilitation, Eastern Avenue to Boston Street | In Compliance |
| TR13302 | BCDOT | P. Flanigan & Sons | 33 rd Street and Loch Raven Blvd. Geometric Safety Improvement Project | In Compliance |

ANALYSIS OF THE FHWA CONSTRUCTION CONTRACTOR'S ANNUAL EEO REPORT – (1392 REPORT)

The 1392 Annual Report summarizes workforce demographics. Data is collected and reported to FHWA on October 1, 2016. The Contractor Compliance Accomplishments Report for 2016 will reflect the total number of highway construction projects and minority and female representation percentages in the contractor's overall workforce for 2016.

ON-THE-JOB TRAINING (OJT) PROGRAM ANALYSIS

In FFY 2016, SHA has a total of 79 FHWA pre-approved OJT training classifications. The programs vary in length from a minimum of 230 training hours or 6 weeks to a maximum of 2080 hours or 52 weeks. This mandatory training is based on the specific training requirements needed to learn a particular highway construction skill or craft.

During FFY 2016, SHA highway construction contractors enrolled participants in 13 pre-approved OJT classifications on active federal-aid highway construction projects across the State. See Table-1 below for a list of the specific pre-approved OJT classifications used by contractors.

Table 1 - FFY 2016 OJT Classifications Utilized

| FFY 2016 OJT CLASSIFICATIONS UTILIZED | | | | | | | |
|----------------------------------------------|-----------------------|--------------------------------|------------------|------------------|-------------------------|-----------------|-------------------|
| OJT Classification | Total Enrolled | (*) % of Total Enrolled | Completed | Term/Quit | Term/Proj. Ended | Transfer | In-Process |
| Carpenter | 13 | 36% | 2 | 1 | | | 10 |
| Heavy Equip. Operator Front End Loader | 2 | 6% | | 1 | | | 1 |
| Heavy Equip. Operator Backhoe | 1 | 3% | | | | | 1 |
| Heavy Equip. Operator Bulldozer | 2 | 6% | 1 | | | | 1 |
| Heavy Equip. Operator Roller | 2 | 6% | 1 | | | | 1 |
| Heavy Equip. Operator Bobcat | 1 | 3% | 1 | | | | |
| Pile Drive | 1 | 3% | 1 | | | | |
| Pipe Layer | 3 | 8% | 2 | | | | 1 |
| Traffic Control Mgr. | 6 | 17% | | 1 | | 1 | 4 |

| | | | | | | | |
|------------------------|-----------|-------------|---|--|--|--|---|
| Laborer/Asphalt Paving | 1 | 3% | | | | | 1 |
| Ironworker | 1 | 3% | | | | | 1 |
| Office/Management | 1 | 3% | | | | | 1 |
| E&S Control Manager | 1 | 3% | 1 | | | | |
| TOTALS | 35 | 100% | | | | | |

Note: () Percent rounded to nearest whole number.*

MOST FREQUENTLY UTILIZED OJT CLASSIFICATIONS

During FFY 2016, there were 2 OJT classifications frequently used by contractors on SHA highway construction contracts which accounted for approximately 57% or 20 out of 35 OJT enrollments. The top two OJT training classifications used were as follows:

1. Carpenter = 13 enrollments
2. Traffic Controllers = 6 enrollments

11 African American males and 6 Hispanic males comprised the majority of the 35 total OJT trainees. 4 white females, 11 white males, 0 pacific-islander males, 2 asian males, and 1 other made up the remaining trainees. 22 trainees are still enrolled, 9 completed their program, 3 left the contractor's employment, and 1 trainee's program ended when the contract work ended as well.

The chart below summarizes the result for each trainee that is enlisted in the OJT Program by race and gender for FFY 2016.

| FFY 2016 | | AA/B | | W | | H | | PI | | Asian | | Other | |
|--------------------|-----------|------|---|----|---|---|---|----|---|-------|---|-------|---|
| Gender/Enrolled | | M | F | M | F | M | F | M | F | M | F | M | F |
| Training | 22 | 4 | 2 | 7 | 2 | 6 | | | | 1 | | | |
| Fired | 1 | | | 1 | | | | | | | | | |
| Other | | | | | | | | | | | | | |
| Quit | 2 | 1 | | | 1 | | | | | | | | |
| Lack | | | | | | | | | | | | | |
| Seasonal | | | | | | | | | | | | | |
| Transferred | 1 | 1 | | | | | | | | | | | |
| Relocated | | | | | | | | | | | | | |
| Complete | 9 | 4 | | 4 | | | | | | 1 | | | |
| Illness | | | | | | | | | | | | | |
| Totals | 35 | 10 | 2 | 12 | 3 | 6 | | | | 2 | | | |

Contractor Compliance Annual Goal Status for FFY 2016

1. Develop an OJT data management module to track all OJT data information.

- OJT Data Management would provide streamlined data tracking, retrieval, statistical analysis and reporting.
- Coordinate with the SHA IT application developers to identify data requirements and system components.

Ongoing: An OJT Program Activity Report has been developed and utilized by SHA staff. See Appendices A. Note: OEO goal completion depends on internal SHA Information Technology scheduling priorities.

2. Provide regularly and timely Contractor Compliance training to Baltimore City Department of Transportation Sub-recipient and all other statewide SHA sub-recipients.

Completed: Ongoing. OEO has monthly meetings with Baltimore City Department of Transportation. Completion of the sub-recipient training continues. SHA anticipates completion in early FFY17.

3. Develop a consistent process for selecting contractors eligible for a Contractor Compliance Review.

- “Contractor Compliance Review Criteria” Form developed. See Appendices B.
- Provide training to EEO District Officers and Sub-Recipients.

Completed: November 13, 2015

Contractor Compliance Review Annual Goals for FFY 2017

1. Coordinate with SHA IT application developers to identify data requirements and system components needed for the development of the On-The-Job Training Data Management Program.

Target Completion Date: September 30, 2017

Note: OEO goal completion depends on internal SHA Information Technology scheduling priorities.

2. Establish and maintain database of all SHA sub-recipients for training purposes.

Target Completion Date: November, 2016

Note: OEO goal completion depends on internal SHA Information Technology scheduling priorities.

3. Provide Contractor Compliance Review on-line training to all Sub-Recipients requiring the use of the “Contractor Compliance Review Criteria” form.

Target Completion Date: December, 2016

Appendices A

OJT Program Activity Report (submitted quarterly and final)

| OJT PROGRAM ACTIVITY FOR THE ____ QUARTER FFY ____ (list all trainees in process during quarter) | | | | | | | | | | | |
|-----------------------------------------------------------------------------------------------------|--------------|----------|--------------------------------|--------------|---------|------------------------------|--------------------|--------------------|----------------|------------|---------------------------------|
| Contract Number | Trainee Name | Race/Sex | Soc. Sec. # (Last 4 digits) | Enroll. Date | Program | Total Contract Program Hours | Previous Total Hrs | Total Quarter Hrs. | Total Hrs. YTD | Term. Date | Status (Active or completed) |
| | | | | | | | | | | | |
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Appendices B

CONTRACTOR COMPLIANCE REVIEW CRITERIA

Prime Contractor is to meet 75% of the criteria to qualify for a Contractor Compliance Review.

Contract Information:

Name: _____

SHA Contract Number: _____ District Number: _____

Criteria:

Contact Amount (>\$500,000): _____

Contract Size (>3 DBEs): _____

Length of Project (>1 year): _____

Percentage of Contract Completion (25%-50%): _____

Certified Payrolls (>3 months): _____

On-The-Job Trainees (>2): _____

Date of last CCR (>2 years): _____

Number of Employees? (>15): _____

Result of Last Contractor Compliance Review? Compliant? _____ Non-Compliant? _____

Has Prime Contractor worked in this District before? Yes _____ No _____

Does Prime hold the greatest potential for employment and promotion of minorities and women? Yes _____ No _____

Is contract performed in an area that has significant minority and female labor forces?

Yes _____ No _____

Is Equal Opportunity questionable? Yes _____ No _____

Is the project to be reviewed under Consolidated Compliance Review procedures? Yes ___ No ___

Note: Reviews that are specifically requested by Washington Headquarters have priority.